

### **REMARKS**

Claims 1-9 and 12-23 are pending in the above-identified application. Claims 1-9 and 12-23 were rejected. With this Amendment, claim 1 was amended and claims 24-27 were added. No new matter has been added. Accordingly, claims 1-9 and 12-23 are at issue in the above-identified application.

### **Objection To Drawings**

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), indicating that the drawings must show every feature of the invention specified in the claims. Withdrawal of this objection is respectfully requested.

### **35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claim 1-7 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 22 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 23 was rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement. Applicants respectfully request withdrawal of these rejections.

Applicants maintain that claim 22 is fully supported in the specification, as shown in Fig. 1, wherein a first projection train 18a is separated a distance away from a second projection train, which is not labelled, in Fig. 1. No projection trains, however, are shown in between the first and second projection trains and therefore, Applicants maintain that claim 22 is supported in this manner.

### **35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of *Nicholson* (U.S. Patent No. 5,819,917) and *Redlinger* (U.S. Des. Patent No. 433,562). Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008

in view of *Nicholson* and *Redlinger* as applied to claim 1 above and in further view of *Lyons* (U.S. Patent No. 5,829,591). Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rosler* in view of *Nicholson*. Claims 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rosler* in view of *Nicholson* and *Redlinger*. Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rosler* in view of *Nicholson* and *Redlinger* as applied to claim 1 above and in further view of *Lyons*. Claims 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rosler* in view of *Nicholson*. Claims 16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of *Nicholson*. Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rosler* in view of *Nicholson* as applied to claim 16 above and in further view of *Redlinger*. Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of *Nicholson* as applied to claim 16 above and further in view of *Redlinger*. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rosler* in view of *Nicholson* as applied to claim 16 above and further in view of *Redlinger*. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO '008 in view of *Nicholson* as applied to claim 16 above and further in view of *Redlinger*. Claims 8 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of *Nicholson* and *Shim* (U.S. Design Patent No. 409,560). Claims 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO '008 in view of *Nicholson* and *Shim* as applied to claim 8 above, and further in view of *Redlinger*. Claims 8, 12 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Rosler* in view of *Nicholson* and *Shim*. Claims 9, 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Rosler* in view of *Nicholson* and *Shim* as applied to claim 8 above, and further in view of *Redlinger*. Applicants respectfully traverse these rejections.

Amended claim 1, from which claims 2-7 depend, recites a battery storage case comprising a first projection train formed on an outer surface of a main body near a first opening portion, a second projection train formed on an outer surface of said main body near a bottom surface, and a third projection train formed on an inner surface of a lid portion, wherein the third projection train is adapted to engage one of the first projection train and the second projection train, wherein a through-hole is formed through the head portion of said lid portion, and wherein a through-hole is formed through the head portion of said lid portion, and wherein the main body is capable of storing *two* batteries when the third projection train engages the second projection train *and storing one battery* when the third projection train engages the first projection train. None of the above-cited references, either alone or in combination, teach or even suggest a battery storage case comprising first, second, and third projection trains, wherein a third projection train is adapted to engage one of a first projection train or a second projection train, wherein the main body is capable of storing two batteries, when the third projection train engages a second projection train and storing one battery when the third projection train engages the first projection train. Additionally, none of the cited references teach such a structure where in there is no projection train between the first and second projection trains.

For example, *Redlinger* discloses a lip balm key chain having a first portion adapted to engage a second portion, wherein the first portion has a hole and a key ring fitted through that hole. *Redlinger* does not disclose a projection train formed on an outer surface of a main body near a bottom surface, as required by claim 1. Additionally, WO '008 discloses a *row* of projections (11) which extend from an open end (8) of an inner sleeve (2) and terminate just short of a plate (7) of the inner sleeve (2). Moreover, *Rosler* discloses a packaging container formed of a first or inner hollow body 1 and a second or outer hollow body 2, wherein the inner


hollow body has at least one row of teeth 3 which extends parallel to the longitude middle axis of the hollow body and also for its full axial length. Neither, WO '008 or *Rosler* teach or disclose first and second projection trains wherein a through-hole is formed through the head portion of said lid portion, and wherein the main body is capable of storing *two* batteries when the third projection train engages the second projection train *and storing one battery* when the third projection train engages the first projection train, as recited in claim 1. Additionally, none of the references teach or disclose a battery storage case where *no* projection trains are formed between first and second projection trains, or having a *stopper* located between the first and second projection trains.

Accordingly, Applicants submit that the claimed invention is not anticipated by nor obvious the applied references, either alone or in combination. Withdrawal of these grounds of rejection is respectfully requested.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

Dated: January 31, 2006



---

David Rozenblat  
Registration No. 47,044  
SONNENSCHN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000